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2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 OAKLAND DIVISION
5

6 UNITED STATES OF AMERICA,

7 Plaintiff,

8 vs.

9 JAMES RICHARDS,

10 Defendants.
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Case No: CR 08-0194 SBA

ORDER

12 On March 26, 2008, a three-count indictment was filed against Defendant, charging
13 him under Count I with possession with intent to distribute a Schedule II controlled
14 substance under 21 U.S.C. §§ 841(a)(1), (b)(1)(C); under Count II with felon in possession
15 of a firearm under 18 U.S.C. § 922(g)(1); and under Count III with possession of firearms
16 in furtherance of drug trafficking crimes under 18 U.S.C. § 924(c)(1)(A). (Docket 1.) On
17 December 16, 2008, pursuant to a plea agreement, Defendant pleaded guilty to Count I and
18 III, and the Government dismissed Count II. (Docket 24.) On Count I, Defendant was
19 sentenced to a term of imprisonment of forty-six months, three years of supervised release
20 and a \$100 special assessment. (Id.) On Count III, Defendant was sentenced to a term of
21 imprisonment of sixty months to run consecutively with Count I, five years of supervised
22 release to run concurrently with Count I and a \$100 special assessment. (Id.)

23 On May 9, 2011, Defendant filed a pro se Motion to Withdraw Guilty Plea (Docket
24 31) and Motion to Appoint Counsel (Docket 32). Defendant is advised that the appropriate
25 vehicle to challenge his guilty plea and the resulting judgment is a Motion Under 28 U.S.C.
26 § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody.
27 Accordingly,
28

1 IT IS HEREBY ORDERED THAT:


2 1. The Clerk shall provide Defendant with a copy of a blank form Motion Under
3 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody.

4 2. Defendant is to use this form should he choose to file a 28 U.S.C. § 2255
5 motion. Should he file a motion under section 2255, Defendant may renew his request for
6 appointment of counsel at that time.

7 3. This Order terminates Docket 31 and 32.

8 IT IS SO ORDERED.

9 Dated: May 10, 2011

10 
11 SAUNDRA BROWN ARMSTRONG
12 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

USA et al,

Plaintiff,

v.

JAMES RICHARDS et al,

Defendant.

Case Number: CR08-00194 SBA

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 11, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

James Richards (1)
91007-111
Federal Correctional Complex
P.O. Box 5300
Adelanto, CA 92301

Dated: May 11, 2011

Richard W. Wieking, Clerk

By: LISA R CLARK, Deputy Clerk